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PATENT ATTORNEY DOCKET: 46884-5500

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

)
) Confirmation No.: 2693
) Group Art Unit: 2879
) Examiner: Nimeshkumar D. Pat
) ) )

Commissioner for Patents U.S. Patent and Trademark Office Alexandria, VA 22314

Sir:

## **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

A European Search Report dated May 21, 2008, that issued in a European patent application and having a document cited therein, is submitted for the Examiner's consideration.

While the European Search Report dated May 21, 2008 additionally cites to U.S. Patent No. US3244922, this document is not listed on the attached PTO Form 1449 because it was previously cited in an Information Disclosure Statement in this application on August 16, 2006.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

ATTORNEY DOCKET NO.: 46884-5500

Application No.: 10/589,602

Page 2

This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that the listed document is material or constitutes "Prior

Art." If it should be determined that the listed document does not constitute "Prior Art" under

United States law, Applicants reserve the right to present to the Office the relevant facts and law

regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability

of the disclosed invention over the listed document, should the document be applied against the

claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby

authorized by this paper to charge any additional fees during the entire pendency of this

application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and

including any required extension of time fees, or credit any overpayment to Deposit Account No.

50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR** 

**EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BYDDLÈ & REATH LLP

Dated: June 11, 2008

By:

Paul A. Fournier

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